

David M. Stern (State Bar No. 67697)  
Michael L. Tuchin (State Bar No. 150375)  
Matthew C. Heyn (State Bar No. 227474)  
Jonathan M. Weiss (State Bar No. 281217)  
KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 Avenue of the Stars, Thirty-Ninth Floor  
Los Angeles, California 90067  
Telephone: 310-407-4000  
Facsimile: 310-407-9090  
Email: dstern@ktbslaw.com  
mtuchin@ktbslaw.com  
mheyn@ktbslaw.com  
jweiss@ktbslaw.com

*Attorneys for R. Todd Neilson, Chapter 11  
Trustee, and GGW Marketing, LLC*

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In re  
GGW BRANDS, LLC,  
GGW DIRECT, LLC,  
GGW EVENTS, LLC,  
GGW MAGAZINE, LLC, and  
GGW MARKETING, LLC,  
Debtors.

Jointly Administered  
Under Case No. 2:13-bk-15130-SK

Chapter 11

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION FOR APPROVAL  
OF SETTLEMENT WITH WYNN LAS  
VEGAS, LLC AND STEPHEN A. WYNN**

This pleading affects:

All Debtors	<input checked="" type="checkbox"/>
GGW Brands, LLC	<input type="checkbox"/>
GGW Direct, LLC	<input type="checkbox"/>
GGW Events, LLC	<input type="checkbox"/>
GGW Magazine, LLC	<input type="checkbox"/>
GGW Marketing, LLC	<input type="checkbox"/>

Hearing  
**[Ex Parte Application for Order Setting  
Hearing filed concurrently herewith]**

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: 310-407-4000

GGW Marketing, LLC as debtor in possession, and Todd Neilson, in his capacity as chapter 11 trustee (the “Trustee”) of the jointly administered bankruptcy estates of GGW Brands, LLC, GGW Direct, LLC, GGW Events, LLC, and GGW Magazine, LLC (together, the “Debtors”), hereby respectfully requests, pursuant to Rule 201(b) of the Federal Rules of Evidence (the “Evidence Rules”), made applicable to these cases by Rule 9017 of the Federal Rules of Bankruptcy Procedure, that the Court take judicial notice of the documents set forth below.

Evidence Rule 201(b) provides that “[t]he court may judicially notice a fact that is not subject to reasonable dispute because it: ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Pleadings filed in any court of record may be judicially noticed. *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (“[W]e ‘may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.’”); *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 (9th Cir. 2006) (granting request for judicial notice and stating that “[the court] may take judicial notice of court filings”). Judicial notice of court records “is particularly useful in bankruptcy litigation in which individual adversary proceedings and contested matters, each of which is procedurally distinct and has its own record, all occur within, and are affected by, the context of the parent bankruptcy case....” *Wetherbee v. Willow Lane, Inc. (In re Bestway Prods.)*, 151 B.R. 530, 540 (Bankr. E.D. Cal. 1993).

The Trustee requests this Court to take judicial notice of the following documents:

1. The *Order Granting Plaintiff Wynn Las Vegas, LLC d/b/a Wynn Las Vegas’s Motion for Summary Judgment*, which was entered in the civil action before the District Court for Clark County, Nevada captioned *Wynn Las Vegas, LLC d/b/a Wynn Las Vegas v. Francis*, Case No. A566286 and is Exhibit 1 to the Settlement Agreement attached to the Trustee’s *Motion for Approval of Settlement With Wynn Las Vegas, LLC and Stephen A. Wynn* (the “Motion”) as Exhibit A.

2. The *Judgment*, which was entered in the civil action before the District Court for Clark County, Nevada captioned *Wynn Las Vegas, LLC d/b/a Wynn Las Vegas, et al. v. Francis*,

Case No. A577548 and is Exhibit 2 to the Settlement Agreement attached to the Motion as Exhibit A.

3. The *Complaint*, which was entered in the civil action before the District Court for Clark County, Nevada captioned *Wynn Las Vegas, LLC d/b/a Wynn Las Vegas v. GGW Direct, LLC*, Case No. A-12-660288-B (the “Alter Ego Litigation”), and is Exhibit 3 to the Settlement Agreement attached to the Motion as Exhibit A.

4. The *Preliminary Injunction*, which was entered in the Alter Ego Litigation and is Exhibit 4 to the Settlement Agreement attached to the Motion as Exhibit A.

5. The *Stipulation and Proposed Order Regarding the Participation of David R. Houston, Esq. and David R. Houston, Ltd. in Further Proceedings*, which was entered in the Alter Ego Litigation and is attached as Exhibit 5 to the Settlement Agreement attached to the Motion as Exhibit A.

6. The *Order Regarding the Participation of David R. Houston, Esq. and David R. Houston, Ltd. in Further Proceedings*, which was entered in the Alter Ego Litigation and is Exhibit 6 to the Settlement Agreement attached to the Motion as Exhibit A.

7. The *Amended Judgment on Special Verdict*, which was entered in the civil action before the Los Angeles County Superior Court captioned *Wynn v. Francis*, Case No. BC438884 and is attached as Exhibit 7 to the Settlement Agreement attached to the Motion as Exhibit A.

8. The *Order Granting Summary Judgment*, which was entered in the civil action before the District Court for Tulsa County, Oklahoma captioned *Rayment v. GGW Brands, LLC, et al.*, Case No. CJ-2012-1321, which is attached to the Motion as Exhibit P.

9. The *Findings of Fact and Conclusions of Law* [Dkt. No. 77] entered on June 30, 2011, in the civil action before the U.S. District Court for the Central District of California, captioned *Rothwell, Ltd. v. United States*, Case No. SA CV 10-00479-RGK (FFMx), which is attached to the Motion as Exhibit M.

10. The opinion of the California Court of Appeal, entered on July 11, 2013 in the appeal captioned *Toho-Towa Co., v. Morgan Creek Productions, Inc.*, Case No. B242095 (Cal. Ct. App. July 11, 2013), which is attached to the Motion as Exhibit V.

11. The *Notice Of Hearing And Notice Of Motion To Remand The Removed Nevada Action Back To Nevada State Court* filed in the action before the Nevada Bankruptcy Court in the case captioned *Wynn Las Vegas LLC v. GGW Direct, LLC, et al.*, Case No. 13-01050-mkn, which is attached to the Motion as Exhibit R.

Dated: July 15, 2013

KLEE, TUCHIN, BOGDANOFF & STERN LLP

By: Matthew Heyn  
Matthew C. Heyn  
Attorneys for R. Todd Neilson and  
GGW Marketing, LLC

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: 310-407-4000

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
1999 Avenue of the Stars, 39th Floor, Los Angeles, California 90067.

A true and correct copy of the foregoing document entitled: **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR APPROVAL OF SETTLEMENT WITH WYNN LAS VEGAS, LLC AND STEPHEN A. WYNN** was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 15, 2013, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On July 15, 2013, I served the following persons and/or entities at the last known addresses in this bankruptcy case by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 15, 2013, I arranged for service on the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 1 business day after the document is filed.

**TO BE SERVED VIA PERSONAL DELIVERY**

Hon. Sandra R. Klein  
United States Bankruptcy Court  
255 E. Temple Street, Suite 1575  
Los Angeles, CA 90012

**TO BE SERVED VIA FEDERAL EXPRESS**

Joseph R. Francis  
1111 Bel Air Place  
Los Angeles, CA 90077

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 15, 2013

Date

Jonathan M. Weiss

Printed Name

/s/ Jonathan M. Weiss

Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Martin R Barash mbarash@ktbslaw.com, lbogdanoff@ktbslaw.com
- Brendt C Butler brendt.butler@gmail.com
- Richard K Diamond rdiamond@dgdk.com, DanningGill@gmail.com
- Matthew Heyn mheyn@ktbslaw.com
- Lance N Jurich ljurich@loeb.com, kpresson@loeb.com
- Samuel M Kidder skidder@ktbslaw.com
- Dare Law dare.law@usdoj.gov, hatty.yip@usdoj.gov
- John F Medler john@medlerlawfirm.com, jmedler@medlerroither.com
- Kelly L Morrison kelly.l.morrison@usdoj.gov
- R. Todd Neilson (TR) tneilson@brg-expert.com, sgreenan@brg-expert.com;  
tneilson@ecf.epiqsystems.com; ntroszak@brg-expert.com
- Malhar S Pagay mpagay@pszjlaw.com, mpagay@pszjlaw.com
- Robert J Pfister rpfister@ktbslaw.com
- Ronald N Richards ron@ronaldrichards.com, nick@ronaldrichards.com
- Steven J Schwartz sschwartz@dgdk.com, DanningGill@gmail.com
- David M Stern dstern@ktbslaw.com
- Ronald D Tym RTym@Tymfirm.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Andy C Warshaw awarshaw@lawcenter.com, mstevens@lawcenter.com
- Jonathan M Weiss jweiss@ktbslaw.com
- Robert M Yaspan court@yaspanlaw.com, tmenachian@yaspanlaw.com

TO BE SERVED BY U.S. FIRST-CLASS MAIL:

Path Media Holdings, LLC  
Hunkins Plaza Main Street  
P.O. Box 556  
Charlestown  
Saint Kitts and Nevis

Transcontinental Interweb Montreal  
1603 Montarville Boulevard  
Boucherville, QC J4B 5Y2

The Medler Law Firm, LLC  
John F. Medler, Jr.  
7700 Bonhomme Avenue, Ste 360  
St. Louis, MO 63105

Debtors  
GGW Brands, LLC, et al.  
Attn: R. Todd Neilson, Trustee  
10940 Wilshire Blvd., Ste 1000  
Los Angeles, CA 90024

Ecoff Blut, LLP  
300 S. Fourth Street, Suite 701  
Las Vegas, NV 89101

R. Todd Neilson, Trustee  
BRG, LLP  
2049 Century Park East, Ste 2525  
Los Angeles, CA 90067

U.S. Trustee  
United States Trustee (LA)  
725 S Figueroa St., 26th Floor  
Los Angeles, CA 90017

Ecoff Blut, LLP  
280 South Beverly Drive, #504  
Beverly Hills, CA 90212

Cogent Communications  
PO Box 791087  
Baltimore, MD 21279

Robert M Yaspan  
Law Offices of Robert M Yaspan  
21700 Oxnard St Suite 1750  
Woodland Hills, CA 91367

Etagz, Inc.  
Attn: Joseph G. Pia and Tyson B.  
Snow  
Pia Anderson Dorius Reynard &  
Moss  
222 So. Main St. Suite 1830

Dorsey & Whitney, LLP  
PO Box 1680  
Minneapolis, MN 55480

Allen Michael Wade  
c/o Law Office of Shane M. Mallett  
Board of Trade Building  
80 Twelfth Street, Suite 100  
Wheeling, WV 26003

Mitchell J. Langberg  
Brownstein Hyatt et al.  
2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

Hochman, Salkin, Rettig, Toscher &  
Perez  
9150 Wilshire Boulevard, Ste 300  
Beverly Hills, CA 90212

Brian J Rayment  
c/o Dana L. Kurtz, Esq.  
32 Blaine St.  
Hinsdale, IL 60521

Mitchell J. Langberg  
Brownstein Hyatt et al.  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106

Wargo Wrench LLP  
999 Peachtree St. NE  
26<sup>th</sup> Floor  
Atlanta, GA 30309

Flying Crocodile, Inc.  
2019 Third Avenue, #200  
Seattle, WA 98121

Tamara Favazza  
c/o Jerry P. Medler  
Medler and Roither, PC  
8000 Maryland Ave., Suite 640  
Clayton, MO 63105

Workbridge Associates  
PO Box 311  
Brattleboro, VT 05302

Advanced Web Marketing Group  
34 Borzotta Blvd.  
Wayne, NJ 07470

Wynn Las Vegas, LLC  
Attn: Kevin Tourek, Agent  
3131 Las Vegas Blvd., So.  
Las Vegas, NV 89109

Winston & Strawn, LLP  
Attn: Peter J. Chassman  
1111 Louisiana, 25<sup>th</sup> Floor  
Houston, TX 77002

Computer 1  
11135 Rush Street, Unit "A"  
South El Monte, CA 91733

Chelsea Heath  
Brian D. Hefelfinger, Esq.  
121 N. Fir Street, Suite F  
Ventura, CA 93001

David R. Houston  
432 Court Street  
Reno, NV 89501

GGW Brands, LLC  
Brian D. Hefelfinger, Esq.  
121 N. Fir St., Suite F  
Ventura, CA 93001

Industrial Relations  
Division of Labor Standards  
Enforcement  
6150 Van Nuys Blvd., Rm. 206  
Van Nuys, CA 91401

Phil Anagnos  
c/o Alireza Alivandivafi, Esq.  
Morris Nazarian  
1925 Century Park East, Suite 2120  
Los Angeles, CA 90067

West Legal  
PO Box 6292  
Carol Stream, IL 60197

Robison, Belaustegui, Sharp & Low  
71 Washington Street  
Reno, NV 89503

Aaron D. Aftergood  
The Aftergood Law Firm  
319 S. Robertson Blvd.  
Beverly Hills, California 90211

Ronald Tym  
7120 Carlson Circle, #263  
Canoga Park, CA 91303-1814

Dorsey & Whitney  
Attn: Kimberly Neville, Esq.  
Attn: Byron Benevuto, Esq.  
136 S. Main St., Ste. 1000  
Salt Lake City, UT 08101-1685

Berry and Maxson LLC  
Attn: Jessica W. Kenney, Esq.  
Attn: Kelly Field Farrell, Esq.  
Attn: Robert P. Berry, Esq.  
16150 Main Circle Dr., Ste. 120  
St. Louis, MO 63017

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Franchise Tax Board  
Bankruptcy Section MS A-340  
PO Box 2952  
Sacramento, CA 95812-2952

Zillah A. Framton Bankr. Admin  
Div of Revenue Bankr Services  
Carvel State Office Bldg, 8<sup>th</sup> Floor  
Wilmington, DE 19801

Los Angeles Division  
255 E. Temple St.  
Los Angeles, CA 90012-3332

Argyle Online, LLC  
7120 Carlson Circle, #263  
Canoga Park, CA 91303-1814